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SAMSUNG SDI BRASIL LTDA.,  
12 SHENZHEN SAMSUNG SDI CO., LTD. and  
TIANJIN SAMSUNG SDI CO., LTD.  
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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION  
18

19 In re: CATHODE RAY TUBE (CRT)  
20 ANTITRUST LITIGATION

Case No. 07-5944 SC

MDL No. 1917

21  
22 This Document Relates to:

23 *Costco Wholesale Corp. v. Hitachi, Ltd., et al.*,  
24 No. 11-cv-06397  
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**DECLARATION OF TYLER M.  
CUNNINGHAM IN SUPPORT OF REAL  
PARTY IN INTEREST SAMSUNG SDI'S  
OPPOSITION TO PLAINTIFF  
COSTCO'S MOTION FOR LEAVE TO  
FILE AMENDED COMPLAINT**

1 I, Tyler M. Cunningham, do hereby declare as follows:

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3 1. I am a member of the bar of the State of California and an associate with  
4 Sheppard, Mullin, Richter & Hampton LLP, counsel for Real Parties in Interest Samsung  
5 SDI Co., Ltd.; Samsung SDI America, Inc.; Samsung SDI Mexico S.A. de C.V.; Samsung  
6 SDI Brasil Ltda.; Shenzhen Samsung SDI Co., Ltd.; Tianjin Samsung SDI Co., Ltd.; and  
7 Samsung SDI (Malaysia) Sdn. Bhd. (collectively, "SDI") in this action. I make this  
8 declaration in support of SDI's Opposition to Plaintiff Costco's Motion for Leave to File  
9 Amended Complaint. Except for those matters stated on information and belief, about  
10 which I am informed and which I believe to be true, I have personal knowledge of the  
11 matters set forth herein, and could and would testify competently to each of them.

12 2. I am informed and believe that approximately 14 cases have been filed by  
13 direct action plaintiffs ("DAPs") in this consolidated multi-district litigation. Some, but  
14 not all, of these DAPs named SDI as a defendant when they first filed their cases.

15 3. I am informed and believe that defendants in *Costco Wholesale Corp. v.*  
16 *Hitachi, Ltd., et al.*, No. 11-cv-06397 ("Costco case"), have propounded discovery requests to  
17 Plaintiff Costco Wholesale Corp. ("Costco"), including requests for production of documents,  
18 requests for admission, and interrogatories. SDI has not participated in that discovery.

19 4. I am informed and believe that defendants in the Costco case have filed at least one  
20 motion seeking to compel arbitration. SDI did not participate in that motion.

21 5. I am informed and believe that, on December 7, 2012, defendants in the Costco  
22 case deposed Costco's corporate representative on a variety of issues under Federal Rule of Civil  
23 Procedure 30(b)(6), including topics related to pricing, cost, distribution channels and  
24 documentation. SDI did not participate in that deposition.

25 6. At my request and under my direction, Sheppard Mullin staff reviewed the docket  
26 in this consolidated, multi-district litigation to determine the average amount of time needed to  
27 resolve motions to dismiss. Based on that review, I am informed and believe that the average  
28 amount of time needed to resolve motions to dismiss in this litigation is 205 days.

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2 I declare under penalty of perjury of the laws of the United States that the foregoing is true  
3 and correct.  
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5 Executed on April 9, 2013 at San Francisco, California.  
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8 /s/ Tyler M. Cunningham  
9 TYLER M. CUNNINGHAM  
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